United Nations CRC/C/SR.1952

Convention on the Rights of the Child

Distr.: General
22 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1952nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Monday, 19 January 2015 at 3 p.m.

Chairperson: Ms. Wijemanne

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Uruguay

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00753 (E) 210115 220115

1500753

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Uruguay (CRC/C/URY/3-5; CRC/C/URY/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

2. **Ms. Costa** (Uruguay), introducing her country's report, said that she wished to stress that Uruguay had made considerable progress in the area of human rights in the past 10 years. Its ratification of all the fundamental human rights treaties, including their optional protocols, and the standing invitation it extended to the special rapporteurs and other special mandate holders of the inter-American or international human rights systems attested to its commitment to protecting human rights. It was also her pleasure to note that the necessary preliminaries to ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been completed, and Uruguay would expressly declare that it recognized the competence of the Committee to receive and consider declarations in which a State party claimed that another State was not fulfilling its obligations under the Convention, the Optional Protocol to the Convention on the sale of children, child prostitution and pornography or the Optional Protocol to the Convention on the involvement of children in armed conflict.

3. A recent domestic development that warranted mention was the narrow defeat of a citizens' initiative that would have lowered the age of criminal responsibility from 18 years to 16. That the initiative had won the support of 48 per cent of the voters nonetheless highlighted the existence of differing views regarding the treatment of minors in conflict with the law and had alerted the authorities to the need to pay particular attention to the issue. In that connection, the dialogue with the Committee would be of great help in spurring improved implementation of the instruments guaranteeing children's rights in Uruguay, and it was therefore in a spirit of openness that she and her delegation had appeared before the Committee.

4. **Ms. Oviedo Fierro** (Country Rapporteur), acknowledging the clear progress made by the State party, nonetheless asked why, according to figures Uruguay itself had provided, children continued to be far more likely to be affected by poverty than the population as a whole. Poverty, in fact, seemed to be at the core of nearly all the issues that would be approached in the Committee's dialogue with the State party. She also acknowledged the combined efforts that had gone into the plans developed as part of the National Strategy for Children and Adolescents but wished to know whether the results of the first such plan, for the period 2010–2015, had been evaluated. If so, the main findings would be of great interest to the Committee. In addition, she asked whether the plan of action for the next five-year period had been put in place; what changes had been made with respect to the previous plan; whether the plan involved all agencies that worked with children or the Uruguayan Institute for Children and Adolescents (INAU) alone; what role the Honorary National Advisory Board on the Rights of Children and Adolescents had played in its development; and whether inter-institutional coordination worked well enough to ensure the plan's comprehensiveness.

5. She also wondered whether INAU, whose budget had apparently tripled, was meeting the needs of the children it was meant to serve, children in need of special protection in particular. Comment on whether the coordination between INAU and the programme Infamilia, which the Committee had previously recommended, was likely to continue would be welcome, as would an indication of the steps the authorities had taken to ensure that INAU would at long last take a rights-based approach to its mission. Moreover,

she requested further information on the system for alternative care, which, once fully operational, would be fundamental to the protection of children in the State party. What steps would be taken, for instance, when a child was rescued from participation in the production of pornography?

6. The State party had been asked to provide further information on the human and financial resources of the Honorary National Advisory Board on the Rights of Children and Adolescents but had not done so. She therefore enquired about the reasons for the apparent lack of political and financial support for the Advisory Board, which the State party itself had set up. If it was no longer necessary as a coordinating body, it would be of considerable interest to the Committee to know what had taken its place.

7. As political support for independent oversight also appeared to be lacking, she asked what was being done to strengthen the National Human Rights Institution, which had been unable to take more than a handful of actions in favour of children for want of the necessary resources. Civil society organizations were consulted by the authorities, but comment on what the State party was doing to ensure that those organizations were represented better still — on the Advisory Board, for example — would be welcome. A summary of the State party's broader views on the participation of civil society would likewise be welcome.

8. Since it was not always clear in what areas children's needs were not being met, she wondered what the State party was doing to bring together several discrete data systems and to organize information in such a way that any failures to fully implement the rights enshrined in the Convention could be more readily identified. She also asked what was being done to provide the training that would make it possible for Uruguayan society to view children as persons endowed with rights, whether the training of educators had been sufficient and why rights education was apparently not included in school curricula.

9. The Committee was aware of children's participation in the work of INAU and in a number of initiatives involving children's affairs, but children had also participated in the alternative reports that had been submitted to the Committee, and it emerged clearly from those reports that they often did not have a say in decisions that affected them. In that connection, she wished to know whether the country's schools had set up participation councils, as required by law, how many such councils had been set up and what exactly they did. She also requested information on the measures adopted to ensure the participation of children in other areas and wondered why the adolescents on the Advisory and Consultative Council of INAU did not also contribute to the work of other government agencies responsible for child-welfare policy.

10. With reference to access to information, she asked what mechanisms were in place to protect children from inappropriate uses of the Internet. Lastly, she requested further information on the reasons for the frequency with which children were institutionalized in Uruguay, which was the highest in the region. In that connection, she wondered whether there were no programmes in place to help families better fulfil their roles, how the foster care programme was working and what the Government and INAU had done to avoid the courts resorting initially to institutionalization.

11. **Mr. Cardona Llorens** (Country Rapporteur) said that the point of the dialogue with the States parties was not merely to subject them to criticism but to seek information that would enable the Committee to make better recommendations for the coming years. He said he hoped that the delegation of Uruguay would view the process as an opportunity for the Committee to help the State party continue along the right path. In that context, and in view of several worrying developments, he wondered why such a large percentage of voters had been in favour of lowering the age of criminal responsibility, why the age of marriage could not be raised to 18 and, more broadly, what was being done to combat the apparent perception that adolescents were not children.

12. He also asked whether any of the five members of the joint body that presided over the National Human Rights Institution and the Ombudsman's Office specialized in children's rights. If not, the Government would perhaps do well to consider having one of the members of the body specialize in the area. In addition, he wished to know how the Government intended to quantify the exact amounts it invested in children's affairs and whether it was considering requiring studies of the impact that economic measures, budget cuts in particular, would have on children's rights. Information on the measures that the Government had taken to combat discrimination, especially on socioeconomic grounds, would also be welcome. In that respect, he asked what was being done to eliminate the causes of discrimination against children from the interior, children of African descent, children born out of wedlock and children with disabilities.

13. It would be of interest to the Committee to know what steps the authorities were taking to improve the strained relationship between young people living in shanty towns or other marginal neighbourhoods and the police. He also requested clarification of whether a minor could indeed be held in detention for up to 23 hours before a judge was notified, as a number of legal specialists had asserted, and asked what plans the Government had made to strengthen the Integrated System for the Protection of Children and Adolescents from Violence, which appeared to be functional in only 3 of the country's 19 departments. Information on the financial and human resources that had been allocated to the system would also be welcome. He further wished to know what psychosocial support services were available to child victims of domestic violence or sexual abuse, what was being done to expedite the resolution of cases involving the sexual abuse of boarders placed in centres for adolescent girls and whether the prohibition of corporal punishment was really enforced.

14. **The Chairperson** requested further information on the practical implementation of the National Code on Childhood and Adolescence and asked whether any legislative reforms had been undertaken to bring national law into line with the Convention. She enquired about the status of the comprehensive national plan of action for children and adolescents and the budget allocated for its implementation. She wondered whether civil society and children themselves had participated in the drafting of the plan of action. Lastly, she asked whether any database containing disaggregated data on children was available.

15. **Mr. Kotrane**, noting that Uruguay had ratified all the major international human rights instruments, asked whether the State party also intended to ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He wished to know whether the Convention held primacy over domestic law, whether it had ever been directly invoked before the courts, and whether judges received training on its provisions. The Committee was concerned that the situation of children in Uruguay could be worsening, in view of the recent legislative changes, which established minimum sentences for certain offences, including for youth offenders, and which established summary proceedings after a single hearing. He questioned whether the rights of the child were truly given paramount consideration in the actions being taken by the State party.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

16. **Ms. Costa** (Uruguay) said that, in addition to the answers that would be provided orally, her delegation would also submit additional information to the Committee in writing.

17. **Ms. Curto** (Uruguay) said that an evaluation of the national plan of action for children and adolescents had been conducted with the participation of various State institutions. A key component of the plan of action was early intervention during pregnancy to ensure that pregnant women received the check-ups they needed. The high percentage of hospital births indicated that most pregnant women did have access to health care, and the maternal mortality rate in the country was declining. National law provided for the

termination of unwanted pregnancies under safe conditions, which helped to prevent unnecessary maternal deaths. The subject of nutrition during pregnancy was not addressed in the current plan of action for children and adolescents but would be included in the following plan.

18. Early childhood programmes gave particular attention to children from vulnerable groups, including children with disabilities, who were provided with personal assistants to facilitate their access to inclusive education. Efforts were being made to monitor early childhood centres so as to ensure that the quality of education they provided was consistent and uniform, and significant progress had been made in that regard. Training for the staff of such centres had also been strengthened.

19. Coverage of health and education services for children was almost universal, and significant progress had been made in recent years with respect to coverage of compulsory education for children 4 to 5 years of age. Different education models following different timetables had been developed with input from the students and their families. Progress was less evident with respect to adolescents, however, and dropout rates and repeat rates remained high among that age group. While there was no plan of action for the period 2015–2020, general guidelines for programmes relating to the rights of the child would be ready in February 2015.

20. **Ms. Oviedo Fierro** asked whether a plan of action covering that period would be drawn up in addition to the general guidelines.

21. **Ms. Curto** (Uruguay) said that a plan of action would be drawn up in 2015 and would be based on the aforementioned guidelines. The Honorary Consultative Council and Adviser on the Rights of Children and Adolescents had participated in the drafting of the current plan of action and would also be involved in the preparation of the subsequent plan.

22. **Ms. González** (Uruguay) said that many changes had been made within the Uruguayan Institute for Children and Adolescents in recent years and that it had adopted a broader approach by developing programmes targeting all children and adolescents rather than focusing mainly on vulnerable groups. Several training activities had been carried out in 2014, including parenting workshops and training for professionals working with children and adolescents. The services offered by the child protection system were much broader than those offered by the health-care system, and there was no reason to fear that the latter would replace the former.

23. The figures cited on the institutionalization of children included all children for whom protection measures had been implemented, whether those measures called for placement in an institution or in family-based care. Institutionalization was used only as a measure of last resort. The figures referred to covered many children whose situation was monitored by technical staff of residential centres but who were in reality living in a family group. Following a pilot project conducted in 2014, the family-based care model had been strengthened with support from the United Nations Children's Fund (UNICEF) and other organizations.

24. **Ms. Ramírez** (Uruguay) said that the Code on Children and Adolescents defined a child as anyone under 18 years of age. A further distinction was made between children up to 13 years of age and those between 13 and 18 years of age, who were considered to be adolescents. The Code was firmly based on the Convention and had established a legal foundation opposed to lowering the age of criminal responsibility.

25. **Mr. Kotrane** asked whether the Government intended to further raise the minimum legal age of marriage to 18 years for both girls and boys.

26. **Ms. Paysse** (Uruguay) said that, since the minimum age of marriage had proved to be such a divisive issue, it had been raised rather arbitrarily to only 16 years. Nevertheless,

during the universal periodic review, Uruguay had made a commitment to raise it further to 18 years. A new criminal code was in the process of being adopted and would address some of the age-related issues the Committee had raised, bringing national law further into line with the Convention.

27. **Mr. Cardona Llorens** asked whether there was any resistance on the part of civil society on the issue of raising the minimum age of marriage.

28. **Ms. Paysse** (Uruguay) said that there was no resistance from civil society and that she believed that there was sufficient political will to raise the age to 18 years.

29. **Mr. Kotrane** wondered whether it was not the Family Code that should be amended rather than the Criminal Code.

30. **Ms. Paysse** (Uruguay) said that the minimum age of marriage was governed by a separate law. The reform of the Criminal Code would address related issues, such as the age of consent, with a view to strengthening protection for children. The aim was to raise the age of consent from 15 to 18 years of age.

31. **Ms. Ramírez** (Uruguay) said that Act No. 18214 established guidelines on raising awareness among parents about the corporal punishment of children, which it prohibited. Although the Act did not set out any specific sanctions for persons who engaged in corporal punishment, it was possible to invoke sanctions contained in other pieces of legislation, such as the Domestic Violence Act (No. 17514).

32. **Mr. Cardona Llorens** said that it seemed to be quite difficult to invoke criminal sanctions against persons who engaged in corporal punishment, and he asked whether there were any administrative sanctions that would apply in such cases.

33. **Ms. Ramírez** (Uruguay) said that Act No. 18214 did not provide for such sanctions but that criminal charges could be brought in cases involving physical violence.

34. **Ms. Paysse** (Uruguay) said that some members of parliament had opposed the adoption of the Act on the premise that parents had a right to spank their children. The controversy surrounding the law had raised the profile of the issue of corporal punishment in society, and as a result parents and teachers were unlikely to engage in the practice in public for fear of social condemnation. Children were also aware of the existence of the Act and were helping to raise awareness among the adults in their lives.

35. **Ms. Ramírez** (Uruguay) said that her delegation strongly disagreed with the assertion that the Uruguayan Institute for Children and Adolescents had not made any changes with regard to the institutionalization of children. The Institute aimed to protect children through various programmes using different care models. It managed a total of 417 centres for young children and conducted nationwide information campaigns to promote the rights of children and adolescents. Its staff members were located throughout the country and had an in-depth understanding of the situation of children in both rural and urban areas. The new family-based care model provided children with a family environment and helped to protect their rights.

36. **Ms. Oviedo Fierro** said that her comments had been based on specific examples and that the Committee remained concerned about whether an institution with such a long history of adherence to an outdated doctrine could continue to operate. She requested clarification about the extended family model referred to, which seemed to be the same model used by SOS Children's Villages and which, while limiting the number of children in a family group, still used what were essentially institutional methods. She asked to what extent the Government was making efforts to facilitate family reintegration. Lastly, she asked what specific role the Honorary Consultative Council and Adviser on the Rights of

Children and Adolescents had played in the drafting of the current plan of action for children and adolescents.

37. **Ms. Ramírez** (Uruguay) said that Act No. 19092 provided that priority should be given to reintegrating children who had been removed from their family back into the family home. The Act also provided for alternatives to reintegration, such as adoption, foster care or institutionalization. Judges took the best interests of the child into account when deciding on the most suitable form of alternative care for the child concerned.

38. **The Chairperson**, speaking in her capacity as an expert, said that the Committee had received reports that children born out of wedlock were often stigmatized and discriminated against, and that parents could be denied custody of their children on account of being minors and not feature on the child's birth certificate. She asked what measures the State party envisaged taking to guarantee the right of those children to know and be cared for by their parents.

39. **Ms. Ramírez** (Uruguay) said that, under the Adoption Act (Act No. 18590), all children were considered to be legitimate, regardless of the marital status of their parents.

40. **Mr. Cardona Llorens** asked whether all references to natural and legitimate children had been removed from the Act in question.

41. **Ms. Paysse** (Uruguay) said that the Adoption Act no longer distinguished between natural and legitimate children and afforded all children the same protection, irrespective of their parentage.

42. **Ms. Rodríguez** (Uruguay) said that although Uruguayan law granted judicial authorities the possibility of taking alternative measures to detention in the first instance, they seldom did so in practice. The System of Adolescent Criminal Liability (SIRPA) could prescribe a number of non-custodial measures to deal with juveniles who came into conflict with the law. Such measures included providing juveniles with psychosocial care and guidance and requiring them to perform community service. The staff working for SIRPA had received specialized training and the institution possessed adequate financial resources to function effectively. The Police Procedures Act (Act No. 18315) did not repeal article 76 of the Code on Children and Adolescents, which required a judge to be informed of the detention of juveniles either immediately or within two hours of their being detained. The juveniles should also appear before a judge within two hours of being detained. The Police Procedures Act only applied when there was no established procedure in the Code on Children and Adolescents. If it proved impossible for the juveniles to appear before a judge within the prescribed time, they were sent to a temporary holding facility overseen by the Uruguayan Institute for Children and Adolescents (INAU).

43. **The Chairperson** said that the adoption of Act No. 18214 prohibiting the use of corporal punishment against children and adolescents in all settings was a welcome development. However, she would be interested to know of the State party's efforts to eradicate that phenomenon on the ground.

44. **Ms. Rodríguez** (Uruguay) said that corporal punishment inflicted on children and adolescents by public officials in detention centres was considered tantamount to an abuse of authority. Reported cases involving corporal punishment were referred to the competent criminal justice authorities. If the authorities found that there had been abuse of authority, the appropriate legal proceedings were initiated against the public official concerned. Public officials found to have inflicted corporal punishment on children and adolescents in detention centres could also be subject to administrative action, including removal from their post and administrative penalties.

45. **The Chairperson** asked what the State party was doing to eradicate corporal punishment in the home and in the school setting.

46. **Ms. Rodríguez** (Uruguay) said that the measures taken by the Government to eradicate corporal punishment included the provision of training on non-violence for public officials, the investigation of all reported cases involving corporal punishment and the removal of offending public officials from their post. The Government was also in the process of identifying best practices on how to guarantee the appropriate treatment of children and adolescents in detention centres.

47. **Ms. González** (Uruguay) said that the Integrated System for the Protection of Children and Adolescents from Violence (SIPIAV) was an interministerial body that carried out information campaigns and dispensed training in schools and community centres throughout the country with a view to preventing violence against children and adolescents. Furthermore, specially trained teams could intervene in situations of violence involving children and adolescents. There were also strategies in place to protect and assist children and adolescents who were victims of violence.

48. **Ms. Santoro** (Uruguay) said that the creation of SIPIAV had served to enhance the protection and assistance afforded to children and adolescents who were victims of abuse and ill-treatment. Moreover, the procedure for handling cases had been improved and a road map for dealing with those children and adolescents had been devised.

49. **Mr. Cardona Llorens** said that the amendments to the Adoption Act had not really served to accelerate the adoption process in Uruguay. The slowness of the process could be attributed to the lack of technical expertise of the government department responsible for handling adoption cases. He asked how the State party planned to build the capacity of the department in question and to accelerate the overall adoption process.

50. Noting that inclusive education was virtually non-existent in Uruguay, he asked how the State party intended to remedy that situation. He also wished to know how the State party planned to ensure the effective participation of children with disabilities in the social life of the country and in recreational and cultural activities. He asked what assistance was provided to unaccompanied minors in Uruguay. He also wished to know of the State party's efforts to reduce the number of street children and to provide them with appropriate assistance. He would also like to know whether there were helplines in place to assist and offer guidance to children; whether the staff manning those helplines had received appropriate training; and how the staff manning those helplines coordinated with the police and social services in urgent cases.

51. **The Chairperson** said that the Committee had received reports that malnutrition and anaemia remained prevalent in Uruguay. She asked what measures the State party had taken to address those health issues. Noting with concern that the rate of teenage pregnancy remained high in Uruguay, she asked what efforts the State party was making to prevent pregnancy among teenage girls. She also asked what measures the State party had taken to curb the reportedly high rate of congenital syphilis and to prevent drug and alcohol abuse among adolescents.

52. **Ms. Oviedo Fierro** asked how the State party ensured the effective coordination of the different departments and directorates responsible for providing health-care services to children and adolescents. Noting that the State party's programme to promote adolescent health had come to an end, she asked whether a similar programme would be launched in the future. She also asked what psychosocial assistance was provided to teenage girls who decided to terminate a pregnancy and what the abortion rate among teenage girls was.

53. She commended the State party on having incorporated the International Code of Marketing of Breast-milk Substitutes into its domestic legislation but noted with concern that there was no mechanism in place to monitor the application of the Code. She asked whether the State party planned to introduce such a mechanism and whether health-care professionals received training on issues related to breastfeeding. She also asked whether

the recently adopted law granting working mothers additional leave for the purpose of breastfeeding a newborn child also applied to mothers working in the informal sector. Lastly, she requested additional information on the drug-related problems facing adolescents in Uruguay and on the steps taken to address them.

54. **The Chairperson** said that the school dropout rate in Uruguay was alarmingly high. She asked what measures the State party had taken to curb that phenomenon and to encourage children to pursue secondary education.

55. **Mr. Mezmur** asked whether the State party planned to devise a longer-term strategy to address the high dropout rate in secondary schools. He also wished to know who belonged to the minority and vulnerable groups mentioned in article 8 of the Education Act (Act No. 18437) concerning diversity and inclusive education, and how the State party monitored the application of that provision. He enquired as to how the State party ensured children's active participation in school life.

56. The Committee had received reports that psychotropic drugs were often used to treat behavioural disorders in children. He asked whether the State party had taken measures to reduce the use of those drugs and to promote alternative treatment for such disorders. Lastly, he asked whether there were sufficient budgetary resources to ensure the successful implementation of all the national plans and programmes adopted by the State party.

57. **Ms. Winter** asked how the State party ensured the effective coordination of the numerous programmes to assist street children and how many police officers had been brought to justice for having committed acts of violence against children or adolescents. According to statistics in the Committee's possession, the number of children placed in detention had almost doubled over the previous two years. A further cause for concern was the fact that recent legislative amendments had added to the number of crimes of which children could be convicted and that the Police Procedures Act appeared to undermine some of the guarantees provided to juvenile detainees. She invited the delegation to comment on the accuracy of those facts. Lastly, she asked how the State party planned to tackle the problem of overcrowding in prisons.

58. **Mr. Kotrane** asked whether the State party intended to limit the time that a juvenile could spend in pretrial detention or in police custody, and whether the guarantees provided for in the Convention and in general comment No. 10 on children's rights in juvenile justice were respected. He also wished to know whether the judges and prosecutors dealing with cases involving juvenile offenders received special training, and would like details of the programmes in place to help rehabilitate juvenile offenders when they were released from correctional facilities. He enquired about the factors driving the commercial exploitation of children in the State party and whether the labour inspectorate could intervene in cases where children were being made to perform hazardous work. He asked whether the State party had ratified the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) or the ILO Domestic Workers Convention, 2011 (No. 189).

The meeting rose at 6 p.m.